

HOUSE BILL No. 1081

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-1-3-8.5.

Synopsis: Municipal legal actions. Prohibits a municipal corporation, including a county, municipality, township, school corporation, or other separate local governmental entity that may sue and be sued, from bringing an action against a person for: (1) recovery of damages resulting from, or injunctive relief or abatement of a nuisance relating to, the lawful design, manufacture, marketing, sale, or use of a product or service; or (2) recovery of damages resulting from the criminal or unlawful misuse of a product or service by a third party. Allows a municipal corporation to bring an action against a person for recovery of damages for: (1) breach of contract or warranty concerning products or services purchased by the municipal corporation; (2) damage or harm to property owned or leased by the municipal corporation caused by a defective product or service; and (3) injunctive relief to enforce a valid statute, rule, or ordinance.

Effective: July 1, 2000.

Smith M

January 11, 2000, read first time and referred to Committee on Agriculture, Natural Resources and Rural Development.

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Introduced

Second Regular Session 111th General Assembly (2000)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1999 General Assembly.

HOUSE BILL No. 1081

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 36-1-3-8.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2000]: **Sec. 8.5. (a) Except as provided in subsection (b), a**
4 **municipal corporation may not bring an action against a person**
5 **for:**

6 **(1) recovery of damages resulting from, or injunctive relief or**
7 **abatement of a nuisance relating to, the lawful:**

8 **(A) design;**

9 **(B) manufacture;**

10 **(C) marketing;**

11 **(D) sale; or**

12 **(E) use;**

13 **of a product or service; or**

14 **(2) recovery of damages resulting from the criminal or**
15 **unlawful misuse of a product or service by a third party.**

16 **(b) Nothing in this section may be construed to prohibit a**
17 **municipal corporation from bringing an action against a person for**

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IN 1081—LS 6250/DI 69+



- 1 recovery of damages for the following:
- 2 (1) Breach of contract or warranty concerning a product or
- 3 service purchased by the municipal corporation.
- 4 (2) Damage or harm to property owned or leased by the
- 5 municipal corporation caused by a defective product or
- 6 service.
- 7 (3) Injunctive relief to enforce a valid statute, rule, or
- 8 ordinance.

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